

Criminal Justice Services Board  
June 10, 2010

**Members Present**

Sheriff Beth Arthur (Chairman)  
Ms. Helivi Holland  
Mr. Marlene Randall  
Ms. Helen Fahey  
The Honorable Sherman Carl Vaughn, Sr.  
Sgt. Charles Condon  
Chief James R. Lavinder  
Mr. Patrick Wilson  
Dr. Jay Malcan  
Mr. Jonathan McGrady  
Colonel W. Steve Flaherty  
Mr. Alan Katz  
Mr. Kevin S. Hodges  
Mr. Christopher R. Webb  
The Honorable Marcus D. Williams  
The Honorable Jackson H. Miller

**DCJS Staff Present**

Garth Wheeler  
Debra Gardner  
Priscilla Bowers  
Leon Baker  
Gayle Turner  
Fran Ecker  
Laurel Marks  
Dan Catley  
Joe Marshall  
Janice Waddy  
Rick Arrington  
Lisa McGee  
Eileen Guertler  
Butch Johnstone  
Kathi Lee  
Marsha Dietz  
Kim Buckner  
John P. Kirby  
Shelia Anderson  
Demian Futterman  
Ashaki McNeil  
Tamisha Peanort  
Tim Paul  
Carol-Lee Raimo  
Paula Harpster  
Heather Black

**Members Absent**

The Honorable Robert L. Bushnell  
Mr. Jeff Dion  
Lt. Jerri Smith  
Ms. Cookie Scott  
The Honorable Clarence N. Jenkins  
Mr. Edward M. Macon

**Guests Present**

George Haudricourt  
John Kechensparger  
F.J. Kemlech  
Charles Kehoe  
Mary Kay Wakefield  
Deputy Chief Tim Jones

Ms. Danielle Ferguson  
Chief A.M. "Jake" Jacocks  
Sheriff Charles W. Phelps  
The Honorable Janet D. Howell  
The Honorable Beverly Sherwood  
The Honorable Wm. Roscoe Reynolds

Officer Travis Akins  
Captain Ryan Zuidema  
Cindy Kozerow  
Lt. John Sweeney

## **CALL TO ORDER**

Chairwoman Arthur called the meeting to order at 11:00 A.M. and welcomed everyone to the meeting to include the Board's newest member, Ms. Helivi Holland, Director for the Department of Juvenile Justice.

Chairwoman Arthur acknowledged and welcomed the New Director for DCJS, Mr. Garth Wheeler. Chairwoman Arthur stated that Mr. Wheeler was appointed by the Governor in March and had a distinguished career in law enforcement. She further mentioned that in the past, he has served as Director for the Law Enforcement Division of the Department of ABC, served as Lieutenant for Virginia State University Police Department and more recently, held the position of Chief of Police and Security for J. Sergeant Reynolds Community Police Department.

Mr. Wheeler has a B.A. from St. John's University, MN, where he graduated Magna Cum-Laude. Mr. Wheeler is a long time member and past President of the Virginia Fraternal Order of Police.

He has also served as a member of the Department of Criminal Justice Services Advisory Board for Security Officer Minimum Training Standards for Colleges and Universities.

Finally, Mr. Wheeler is a member of the Virginia Association of Chiefs of Police, Crater Criminal Justice Training Academy, International Association of Campus Law Enforcement Administrators, and the Virginia Campus Law Enforcement Administrators Association.

Chairwoman Arthur also acknowledged the agency's new Chief Deputy Director, Debra Gardner and stated that Director Wheeler would formally introduce Ms. Gardner when he presents his Director's report.

Chairwoman Arthur then reminded guests to please sign the attendance sheet for the purpose of the minutes. Chairwoman Arthur also reminded Board members to please state their name when making a motion or when seconding, to speak clearly for the purpose of the minutes and to also check to ensure that their microphone was turned on at their seating area. She further reminded staff/persons speaking from the floor to please step up to the podium when speaking so that the microphone could pick up their voice for the purpose of the minutes.

Chairwoman Arthur then asked Priscilla Bowers to take the roll call. Ms. Bowers stated that there was a quorum with 16 members present.

Chairwoman Arthur mentioned that there were several Board Term Expirations effective June 30, 2010, to include herself. Chairwoman Arthur reported the following Board members' terms would expire on June 30 of who were not eligible for re-appointment. These members have served 2 terms (8 years) and this meeting would be their last: Mr. Kevin Hodges, Dr. Jay Malcan, Mr. Chris Webb, and Mr. Jeff Dion.

Sheriff Arthur acknowledged the service of these members, thanked them for their dedication, time, efforts and work on this Board and presented them with a Certificate of Resolution. The members made brief comments regarding their tenure on the Board. Mr. Jeff Dion was unable to be present at the meeting and will receive his certificate via mail.

Chairwoman Arthur further mentioned that Chief Ray Lavinder and Chief Jake Jacocks announced their retirements. Chief Lavinder was presented with a Certificate of Resolution of which he made a brief comment. Chief Jacocks was unable to be present and will receive his certificate in the mail.

Chairwoman Arthur reported that there were three other Board members whose term expires as of June 30, however, they were eligible for reappointment and have expressed an interest in being reappointed. The Department is awaiting word from the Secretary of the Commonwealth's Office regarding reappointment of these members.

At this time Director Wheeler made his way to the podium to present a Certificate of Resolution to Sheriff Arthur whose term is also due to expire June 30 and she is not eligible for reappointment. Sheriff Arthur has served on the Board for a term of 8 years. Director Wheeler read the certificate and thanked Sheriff Arthur for her service to the Board and for her Chairmanship. Sheriff Arthur also thanked the Board for their services and for the working relationship that was shared during her tenure.

### **APPROVAL OF MINUTES**

Chairwoman Arthur called for corrections, deletions or additions to the minutes of the March 25, 2010 Criminal Justice Services Board meeting. There were no corrections, deletions or additions brought forth by members.

Chairwoman Arthur then called for a motion to approve the minutes of the March 25th meeting. Mr. Vaughn made the motion and Ms. Randall seconded the motion. Chairwoman Arthur stated that it had been motioned and seconded that the Board approve the minutes of the March 25 meeting with no corrections, additions or deletions.

### **DIRECTOR'S REPORT**

Director Wheeler introduced himself and mentioned that he had a long career in law enforcement specifically at the local level and in state government. He further mentioned that he was quite familiar with DCJS and was being educated every day about the amazing breadth of the agency's work in all aspects of criminal justice.

He shared his gratitude for the opportunity that the Governor had afforded him to lead the agency and the staff at DCJS who has a wealth of knowledge and expertise. He said: he looks forward to working with the Board and hoped they would feel free to contact him whenever they had questions or suggestions.

#### New Chief Deputy

Director Wheeler mentioned that the Governor announced his appointment of Debra Gardner as Chief Deputy Director of the Department effective May 25. He then asked her to stand and shared with the Board, Ms. Gardner's background.

He mentioned that Ms. Gardner came to the agency from the Virginia Alcohol Safety Action Program (VASAP) where she worked for over 20 years, and ultimately became VASAP's Executive Director in 2003. He further mentioned that Ms. Gardner brings the agency a lot of valuable experience from her time at VASAP, including budgeting, grant writing and working with members of the General Assembly and he was pleased that Debra had joined the staff at DCJS.

#### Changes on the Board

Director Wheeler welcomed the two newest Board members: Helivi Holland; the new Director of the Department of Juvenile Justice, and Senator Wm. Roscoe Reynolds as the Senate Courts of Justice Committee's representative. Senator Reynolds was unable to be present. Senator Reynolds replaces former Senator Ken Stole who is now the Sheriff of Virginia Beach.

Director Wheeler acknowledged the work of those Board members who have served 2 terms and were thus not eligible for reappointment; others whose terms were expiring but were interested in being re-appointed and those that would be retiring soon. He extended his appreciation and thanked them all for the time and effort they put into the work of the Board.

#### DCJS News

Director Wheeler reported that coming up on July 19 the agency would be hosting three "Blueprints For Change" sessions focusing on the Governor's policy initiatives in the areas of gangs, and adult and juvenile re-entry. He mentioned that the sessions will be held at the Capita and the agency was already working closely with the Governor's Re-Entry Coordinator, Banci Tewolde, who is chairing a special re-entry task force; and Deputy Secretary of Public Safety John Bukovich, who would be leading a task force on gangs.

Director Wheeler mentioned that DCJS has for some time, provided training for law enforcement and other first responders in how to search for and handle persons with Alzheimer's disease and other forms of dementia who go missing. DCJS has applied to the Bureau of Justice Assistance for a grant to develop a National Alzheimer's Toolkit for First Responders, in response to a solicitation issued by BJA earlier this year. The grant proposal went to BJA on May 18; however, we have not heard anything.

Director Wheeler further reported that DCJS' work in training first responders had attracted notice by the New York Times who published an article on May 4 about the rising numbers of searches for persons with dementia. A substantial part of the article was devoted to the DCJS-sponsored training program.

Director Wheeler mentioned that in the next few days, DCJS would be submitting an application to BJA for the next round of Justice Assistance Grant Program funding. DCJS uses JAG funds for many of the grants that come before this Board for action. DCJS will be applying for \$5.9 million in federal FY'10 JAG funds.

Director Wheeler stated that we do not know when BJA will act on the application, but we are assuming we will get the award in time for us to issue a solicitation late this year or early next year with successful applicants getting funding for the fiscal year starting July 1, 2011.

Director Wheeler mentioned further that Board members were given an updated report in their meeting packets on the Crisis Intervention Team (CIT) grants that were recently awarded in cooperation with the Department of Behavioral Health and Disability Services and that he felt this was a very important and worthwhile initiative.

Director Wheeler recalled the Board's memory to a briefing that was given at the March meeting where Secretary Marla Decker asked the Department of Planning & Budget to examine the agency's organizational structure and submit a final report to the SPS at the conclusion of their review. He stated that some Board members may have been contacted and interviewed by DPB as they have proceeded with their work. Director Wheeler further stated that the Secretary is expecting a final report in the very near future of which would be carefully reviewed and decisions made wherever changes were necessary.

Finally, Director Wheeler reported that Marty Mait passed. Mr. Mait was the Deputy Director of DCJS for many years during the '80's and early '90's. He retired in 1994. He said: Mr. Mait was a great guy and a well respected leader in this agency and in state government and is being buried today at Arlington National Cemetery. This concluded the Director's report.

Chairwoman Arthur thanked Director Wheeler for his report and asked the Board if they had any comments or questions. There were none.

## **COMMITTEE REPORTS**

### **Committee on Training (COT)**

Chairwoman Arthur called upon Chief Ray Lavinder to give a brief report on the Committee on Training (COT). Chief Lavinder reported that the COT met this morning at 9:00 a.m. in House Room "D" of the General Assembly.

A public hearing was held regarding the 2010 Suggested Changes to the Entry-Level Court Security Training which was presented by Judy Kirkendall. Lisa McGee gave an update on Private Security Training.

Ron Bessent gave an Alzheimer's Training update. Under new business, Judy Kirkendall gave an update on the Nominees for the Law Enforcement Curriculum Review Committee. Frank Kowaleski gave a brief presentation on Recommendations from the Virginia Highway Safety Office. This concluded the business of the COT. There were no public comments. The next meeting of the COT is scheduled for September 16, 2010. Chief Lavinder stated that there were no voting items that were brought forth by the COT that needed Board approval.

Chairwoman Arthur thanked Chief Lavinder for his report and asked the Board if they had any questions or comments. There were none.

### **Law Enforcement Subcommittee**

Chairwoman Arthur called upon Chief Lavinder to give a brief report from the Law Enforcement Subcommittee.

#### **Evaluation Report on Certified Crime Prevention Communities (CCPC) Program** (Handout)

Chief Lavinder reported that the Law Enforcement Subcommittee met May 26, 2010, to review the status of applications of three candidates (Portsmouth, City of Roanoke, and City of Lynchburg) for recertification as Certified Crime Prevention Communities. Present were Sheriff Charles Phelps, Mr. Sherman Vaughn, and Chief Lavinder. Chief Lavinder stated that in order to meet certification requirements, the applicants must meet twelve (12) core elements (programs) and no less than seven (7) optional elements. He then proceeded with a report on each of the applicants.

#### **City of Portsmouth**

On June 11, 2009 this Board extended the application of Portsmouth to June 2010 in order to provide them an opportunity to complete one core element for which they were lacking and which was required. This element required they be an accredited law enforcement agency. Although Portsmouth has made strides to become accredited, they are still approximately eighteen months from that goal. Recognizing their inability to be compliant at this time, but still valuing their status as a Certified Crime Prevention community, Portsmouth Police Chief Hargis has submitted a letter through Mr. Wheeler's office (DCJS) requesting to withdraw from the CCPC program at this time, rather than be de-certified, in order to later re-apply and receive the certification again, once accreditation has been achieved.

Chief Lavinder reported that the Law Enforcement Subcommittee unanimously recommends that the board accept Portsmouth's withdrawal in lieu of de-certification. Chairwoman Arthur thanked Chief Lavinder for his report and called for comments or questions. There were none. Mr. Hodges then made a motion. Mr. Vaughn seconded the motion.

Recusals:                      None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the Subcommittee to allow the City of Portsmouth to withdraw their application in lieu of decertification.

## **City of Roanoke**

The City of Roanoke has an estimated population of 93,000 and is served by a sworn police contingency of approximately 267 officers. Roanoke was first certified in 2001. Roanoke is to be commended as one of the first agencies, along with Lynchburg, to apply for re-certification a second time. The problem solving philosophy continues to be displayed in Roanoke through their growing organized use of their Code Enforcement Team (Core Element 4). During this re-certification period Roanoke added a Commonwealth's Attorney to the team which aides in prosecution of code violation cases. Another unique approach is found in their Business Outreach program. Roanoke's collaborative network has proven valuable in identifying funds through the Department of Economic Development which make available grants for security improvements to certain qualifying businesses. Twelve businesses have received these grants between 2007 and 2009.

Finally, one optional element to note is their Domestic Violence Program. Not only have they continued to track repeat offender addresses to alert officers of safety hazards and maintained their Domestic Violence Specialist position, but they have expanded the program. Roanoke now has a second Domestic Violence Specialist that serves in a second shift capacity and a Hispanic Domestic Violence Specialist position addressing domestic violence issues.

Chief Lavinder reported that the Law Enforcement Subcommittee commends the City of Roanoke for their ongoing efforts in improving their crime prevention programs and unanimously recommends that the board re-certify them.

At this time, Chairwoman Arthur noted the presence of individuals from the City of Roanoke and asked that they introduce themselves. Deputy Chief Tim Jones introduced himself and made a comment on behalf of Chief Joe Gaskins and thanked the Board. Officer Travis Akins, CCPC Coordinator was introduced and said a few words.

## **City of Lynchburg**

The City of Lynchburg has an estimated population of 74,000 and is served by a sworn police contingency of approximately 170 officers. Lynchburg is also applying for their second re-certification, having originally certified in 2001. Lynchburg's crime prevention efforts are focused on the community aspect and use of technology. This new emphasis has resulted in no lost services, while some staff has had to be reassigned for various reasons.

Their community focus was particularly evident in the leadership demonstrated by their Citizen Police Academy Alumni Association, which serves in the capacity of the required "Crime Prevention Council" element. This group, recognizing the negative impact that racial tensions were having on police-community interactions, as well as in the community, involved themselves in a citywide initiative to discuss and address racial issues. Some of the forums were facilitated by some of the members of this group. In the end, over 1300 people had participated in the forums and a number of changes were made to improve relations. In the Neighborhood Watch and Community Policing elements Lynchburg demonstrated the positive effects of continuing to partner with the community, rather than attempting to fully address community issues through government intervention. Lynchburg's new outreach through property management to problem areas plagued by gangs and crime led to call reductions of 70% in one neighborhood and 20% in another.

Lynchburg has also used technology to better provide access to valuable data used in strategic planning and problem solving. A unique creation of a network accessed crime analysis report center allows officers to access maps, weekly crime information traffic crash analysis, 100 feet of school zone maps and more. (Core Element 7).

Chief Lavinder reported that the Law Enforcement Subcommittee recognized the innovative approach of Lynchburg in maintaining and improving their prevention services and unanimously recommends that the board re-certify them.

Chairwoman Arthur thanked Chief Lavinder for his report and asked the Board if they had any questions or comments. Mr. Webb made a comment and extended his thanks and appreciation to the City of Lynchburg for their efforts.

Chairwoman Arthur then called for a motion. Chief Lavinder made the motion and Mr. McGrady seconded the motion to collectively accept the recommendation of the Law Enforcement Subcommittee to approve the recertification of the City of Roanoke and the City of Lynchburg as Certified Crime Prevention Communities.

Recusals:                      None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the Law Enforcement Subcommittee to approve the recertification of Roanoke and Lynchburg as Certified Crime Prevention Communities.

At this time, Chairwoman Arthur noted the presence of individuals from the City of Lynchburg. Captain Zuidema introduced himself and made a comment and thanked the Board. He also acknowledged Chief Snead, Lt. Sweeney and Cynthia Kozarow (CCPC Coordinator).

### **Nominations and Appointments Subcommittee**

#### **Court Appointed Special Advocate/Children's Justice Act (CASA/CJA) Advisory Committee Nomination** (Handout)

Chairwoman Arthur called upon Mr. Kevin Hodges to give a brief report on the CASA/CJA nominations. Mr. Hodges reported that the Criminal Justice Services Board had the authority to appoint members to the Advisory Committee to the CASA and Children's Justice Act Programs. The Nominations and Appointments Subcommittee met on June 9 and made recommendations to re-appoint those individuals whose bios were included in Board member packets.

Dr. Michelle Clayton was nominated for re-appointment for the position of pediatric medicine representative. Ms. Ruth Anne Cutright was nominated for re-appointment for the position of local CASA program representative and Ms. Darby Lowe was nominated for re-appointment for the position of Commonwealth's Attorney (prosecution) representative. All three would serve a four-year term if re-appointed.

The Nominations Subcommittee reviewed the candidate's qualifications and finds the nominees to be outstanding. Mr. Hodges reported that on behalf of the Nominations Subcommittee he was forwarding these nominations to the Board for consideration in the form of a motion. Chairwoman



Arthur called for questions or comments. There were none. Chairwoman Arthur then called for a second motion. Mr. Webb seconded the motion.

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the nominations of the Subcommittee to re-appoint the 3 representative to sit on the CASA/CJA.

*Private Security Services Advisory Board (PSSAB) Nomination* (Handout)

Mr. Hodges also gave a brief overview of the nominations for the Private Security Services Advisory Board (PSSAB) vacancies. He reported that there were 4 vacant positions on the PSSAB. Bios were included in Board member packets (3 of which were re-appointments and 1 new appointment): Mr. Thomas Turner, Special Conservator of the Peace representative, Mr. James Washburn, Locksmith representative, Mr. Joseph Maslanka, Private Security Business representative, and Ms. Mary Kay Wakefield, Private Security Service Business representative. Mr. Hodges acknowledged Ms. Wakefield in the audience and stated that she previously sat on the CJSB and that she was also currently seeking the Private Security representative seat on the CJSB, as well.

Mr. Hodges then made a motion and Colonel Flaherty seconded the motion. There were no questions or comments.

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the Nominations and Appointments Subcommittee to appoint the above mentioned representatives to sit on the PSSAB.

**CONSIDERATION OF GRANT APPLICATIONS**

**Advisory Committee on Juvenile Justice (ACJJ)**

Chairwoman Arthur called upon Dr. Jay Malcan to give a brief report from Advisory Committee on Juvenile Justice.

Dr. Malcan reported that the Advisory Committee on Juvenile Justice (ACJJ) met on May 26<sup>th</sup>, 2010, to review the recommendations of the Grants Subcommittee and the Byrne/JAG Subcommittee and reported the following:

*Juvenile Justice and Delinquency Prevention (JJDP) Act – Title II Grants*

The Advisory Committee on Juvenile Justice reviewed a total of 22 Title II grant applications, and recommends funding 10 Title II continuation applications and 10 new applications as shown in Board member summaries. The ACJJ recommends not funding 2 new applications. The localities recommended for denial were given an opportunity to appeal, but did not do so.

Dr. Malcan made a motion for the Board to accept the recommendation of the ACJJ to fund 10 continuation applications and 10 new applications as shown above, and to deny funding to 2 new applications.

Chairwoman Arthur thanked Dr. Malcan for his report and called for questions or comments. There were none. She then called for a second motion. Mr. Webb seconded the motion.

Recusals:	The Honorable Marcus D. Williams	Fairfax
	Ms. Helivi Holland	DJJ
	Dr. Jay Malcan	Petersburg

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the ACJJ to award funding as stated above.

*Juvenile Accountability Block Grant (JABG)*

Dr. Malcan reported that the ACJJ reviewed 4 JABG continuation grant applications as shown in Board member summaries and recommended funding all 4 applications. Dr. Malcan made a motion for the Board to accept the recommendation of the ACJJ to fund 4 continuation applications.

Chairwoman Arthur called for questions or comments. There were none. She then called for a second motion. Mr. McGrady seconded the motion.

Recusals:	Sgt. Charles Condon	Virginia Beach
	Ms. Helivi Holland	All
	Mr. Patrick Wilson	DCE

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the ACJJ to award funding as stated above.

*Byrne/Justice Assistance Grants*

Dr. Malcan reported that the ACJJ reviewed a total of 12 Byrne/JAG applications, and recommends funding 1 continuation application and 9 new applications as shown in Board member summaries. The Committee recommends not funding 2 new applications.

The localities recommended for denial were given an opportunity to appeal the denial. One out of the two localities (City of Roanoke) appealed the ACJJ's decision. The CJSB Appeals Committee met with the City of Roanoke this morning and their recommendation regarding this grant will be presented under the appeals report.

Dr. Malcan made a motion that the Board accept the recommendation of the ACJJ to fund the 1 continuation application and 9 new applications as stated, and to deny the one that was not appealed, and leave for further consideration the grant that was heard by the Appeals Subcommittee.

Chairwoman Arthur thanked Dr. Malcan for his report and called for a second motion. Mr. McGrady seconded the motion.

Recusals:	None
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Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the ACJJ to award funding as stated above.

#### Advisory Committee on Juvenile Justice Appeals

Chairwoman Arthur called upon Mr. Chris Webb to give a brief report from the Appeals Subcommittee on the ACJJ grants.

Mr. Webb reported that the Appeals Subcommittee met on the morning of June 10, 2010 with the following members present: Mr. Chris Webb and Sergeant Charles Condon.

Mr. Webb reported that representatives from the City of Roanoke were present to appeal the recommended denial of a Byrne/JAG grant. After presentations by staff explaining the reason for the denial, the representatives from the City of Roanoke presented to the committee the additional data and statistics.

After hearing the presentation from the City of Roanoke, the appeals panel recommended approval with special conditions and suggested monitoring by staff to review whether the program is meeting its goals. This concluded Mr. Webb's report. Chairwoman Arthur thanked Mr. Webb for his report and called for comments or questions. There were none.

Recusals:                      None

Mr. Webb then made the motion and Colonel Flaherty seconded the motion to accept the recommendations of the Appeals Subcommittee to approve the grant with special conditions.

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the Appeals Subcommittee to award funding as stated above.

#### Victims Services Subcommittee

Chairwoman Arthur called upon Ms. Helen Fahey to give a brief report from the Victims Services Subcommittee.

Ms. Fahey reported that the Victims Services Subcommittee met on June 1<sup>st</sup> to review the various categories of grants. Ms. Ferguson and Mr. Dion served on the Subcommittee along with Ms. Fahey.

#### Sexual Assault Services Program (SASP) Grants

Ms. Fahey reported that DCJS staff updated the subcommittee regarding the status of SASP grant awards. A total of 27 (of 33) eligible programs applied for funding and, following staff review of each application, the agency is now prepared to issue SASP awards totaling \$230,391. Each grant award totals \$8,533.

Ms Fahey mentioned that this was an update to the Board and a vote was not required because, at the March Board meeting, the Board authorized staff to issue SASP formula awards to all SASP applicants meeting grant requirements.

Revisions to FY2011 Sexual Assault Grant Program (SAGP) Awards:

Ms. Fahey reported that there were two award modifications that required Board action. At the June 2009 meeting, the Board approved grant awards for FY2010 and FY2011 in the amount of \$3,058,112 annually. She further mentioned that funds available in FY2011 are sufficient to maintain level funding and no further Board action is required for 36 of the 38 current grants.

DOVES and Crisis Line

Ms. Fahey reported that the two modifications requiring Board action involve DOVES of Danville and Crisis Line of Lynchburg.

DOVES received an FY2010 SAGP award of \$55,814 and served domestic and sexual violence victims in the Danville area. DOVES ceased operations earlier this year and consequently the Subcommittee recommends discontinuing grant funding.

DOVES' closure leaves victims of sexual and domestic violence in the city of Danville and the counties of Pittsylvania and Halifax without services. As a short-term partial solution, staff contacted two SAGP grant funded programs in the region to determine whether there is interest and capacity to provide some level of service to sexual assault victims in the region, if additional SAGP funds were awarded. Crisis Line of Lynchburg submitted a program expansion proposal in accordance with guidance provided by staff. Crisis Line requested \$48,239 in additional grant funding in order to provide hospital accompaniment, information and referral, case management, and criminal justice advocacy to survivors of sexual violence residing in Danville, Pittsylvania County, and Halifax County. After reviewing the proposal, staff recommended funding the expansion at \$45,324, for one year. The Subcommittee concurs with staff recommendations to eliminate funding for DOVES and increase the FY2011 Crisis Line award.

On behalf of the Subcommittee, Ms. Fahey made a motion that the Board discontinue funding for DOVES and increase the FY2011 award to Crisis Line from \$107,247 in FY2010 to \$152,571 for FY2011.

Chairwoman Arthur thanked Ms. Fahey for her report and called for questions or comments. There were none. She then called for a second motion. Ms. Randall seconded the motion.

Recusals:                      The Honorable Marcus Williams                      All

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the Victims Services Subcommittee to approve said grants and to disapprove those grants as stated above.

Victim/Witness Program Grants

Ms. Fahey reported that the Subcommittee received, and concurs with, staff recommendations concerning 108 current grantees seeking continuation funding for the two year period July 1, 2010 through June 30 2012. Ms. Fahey then made a motion of behalf of the Subcommittee that the Board approve the awarding of \$9,229,323 each year to provide continuation grant funding to 104 local Victim/Witness Programs and four statewide victim assistance programs.

Chairwoman Arthur thanked Ms. Fahey for her report and called for comments or questions. There were none. She then called for a second motion. Mr. McGrady seconded the motion.

Recusals:	Sgt. Charles Condon	Virginia Beach
	Mr. Alan Katz	Attorney General's Office
	Chief Ray Lavinder	Roanoke
	The Honorable Marcus Williams	All

Chairwoman Arthur stated that it had been motioned and seconded that the board accept the recommendations of the Subcommittee to approve the grants as stated above.

#### Byrne/Justice Assistance Grants (Byrne/JAG)

Ms. Fahey reported that the Subcommittee received staff recommendations regarding two victim assistance related proposals.

#### DCJS Victim Assistance Training Proposal

The Subcommittee recommends approval of a DCJS proposal to develop and present five regional 12-hour victim assistance trainings, during the spring of 2011, for up to 500 victim service providers and allied professionals. On behalf of the Subcommittee, Ms. Fahey moved that the Board approve an award of \$74,455 to DCJS to support five regional 12-hour victim assistance trainings.

Chairwoman Arthur thanked Ms. Fahey for her report and called for comments or questions. There were none. She then called for a second motion. Mr. Hodges made the second motion.

Recusals:	Sheriff Beth Arthur	V/Witness General Funding Source
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Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the Subcommittee to approve the grant as stated above.

#### UVA Domestic Violence Information System Proposal

Ms. Fahey reported that the Subcommittee also recommended denial of a proposal submitted by the University of Virginia to develop a Domestic Violence Information System because the application lacked detail regarding key issues. Ms. Fahey reported that it was her understanding that UVA elected to appeal the denial recommendation and appeared before the Appeals Committee this morning. Ms. Fahey recommended that the Board consider and vote on the Appeals Committee's recommendation regarding this grant.

#### Victims Services Subcommittee Appeals

Chairwoman Arthur called upon Mr. Chris Webb to give a brief report from the Appeals Subcommittee on the Victims Services Subcommittee appeals.

Mr. Webb reported that the Appeals Subcommittee met this morning and a representative from the University of Virginia was present to appeal the recommended denial of a Byrne/JAG grant application. After presentation by staff explaining the reason for the denial, the representative from UVA clarified questionable points. After hearing both sides, the appeals panel recommended approval of the grant.

Mr. Webb then made a motion on behalf of the Appeals Subcommittee to approve the grant as stated above. Chairwoman Arthur thanked Mr. Webb for his report and called for comments or questions. There were none. Chairwoman Arthur then called for a second motion. Colonel Flaherty seconded the motion.

Recusals:                      None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Appeals Subcommittee to approve the grant as stated above.

### **Law Enforcement Subcommittee**

Chairwoman Arthur called upon Chief Ray Lavinder to give a brief report from the Law Enforcement Subcommittee.

Chief Ray Lavinder reported that the Law Enforcement (L/E) Subcommittee met on May 26, 2010 at the Henrico Training Center in Richmond, Va. Present was Sheriff Charles Phelps, Mr. Sherman Vaughn and Chief Lavinder. Also present was DCJS staff. Chief Lavinder reported on the following grants:

#### **Byrne/Justice Assistance Grant (Byrne/JAG) - New Applications**

Chief Lavinder reported that the Law Enforcement Subcommittee reviewed staff comments and recommendations on 11 grant applications for Byrne/JAG funding for new projects. Applicants included local law enforcement agencies, state agencies, community services boards and a criminal justice training academy.

Staff recommended 7 applications for new funding at the requested level. Byrne/JAG program areas recommended for funding include: Law Enforcement, Planning and Evaluation, and Prosecution and Court. Staff also recommended 1 application for new Byrne/JAG funding at a reduced level: Winchester Police Department. Three (3) applications for new Byrne/JAG funding were not recommended for funding: Office of Attorney General, Commonwealth Attorneys' Services Council, and the Department of Forensic Science. All 3 applicants appealed. A report will be given from the Appeals Subcommittee.

#### **Byrne/Justice Assistance Grant (Byrne/JAG) – Continuation Projects**

Chief Lavinder reported that the Subcommittee also reviewed comments and recommendations on 7 grant applications requesting continuation funding for Byrne/JAG projects. Staff recommended that 3 applications continue to be funded at the requested level. Staff also recommended that 2

applications receive continuation funding at reduced levels: Department of State Police (reduced to level funding), and South Boston Police Department (\$770 deleted in equipment category for a desk). Two applications were not recommended for funding: Northern Virginia Community College (applicant did not document need or provide justification for requested equipment), and Piedmont Virginia Community College (applicant did not document need or provide justification for requested equipment).

The L/E Subcommittee voted unanimously to accept recommendations for Byrne/JAG funding as follows: \$739,314 in federal JAG funds, \$97,510 in matching cash funds, and \$836,824 in total funding.

By way of a motion, Chief Lavinder asked the Board to accept the recommendation of the L/E Subcommittee to fund the 7 applications for new funding, to fund the 1 application at a reduced level, and to deny the 3 applications from the Office of the Attorney General, the Commonwealth's Attorneys' Services Council and the Department of Forensic Science.

Chairwoman Arthur thanked Chief Lavinder for his report and then called for comments or questions. There were none.

Chairwoman Arthur then called for a second motion. Mr. Sherman Vaughn seconded the motion.

Recusals:	Colonel Steve Flaherty	State Police
	The Honorable Marcus Williams	All
	Sheriff Beth Arthur	Arlington
	Sgt. Charles Condon	Virginia Beach

Chairwoman Arthur stated that it had been motioned and seconded that the Board approve the recommendations of the Law Enforcement Subcommittee to fund the grants as stated above.

#### *School Resource Officer Trust Fund – Continuation Projects*

Chief Ray Lavinder reported that staff briefed the Subcommittee on the Virginia General Assembly's \$464,843 reduction to the SRO Incentive Grants Fund for this and next year's grant funding cycles. To address this funding shortfall, DCJS used a calculation based on each grantee's 2008-2010 Composite Index of Local Ability-to-Pay to determine the funding amount available to eligible SRO grantees.

Chief Lavinder reported that the Subcommittee reviewed staff comments and recommendations on 26 applications for continuation SRO funding. Staff recommended 6 applications for continuation SRO funding at the requested level. Due to applicant calculation errors, 2 applications for SRO continuation funding were recommended for funding above the requested level. Due to applicant calculation errors, 18 applicants were recommended for continuation funding at reduced levels. Corrected award totals were calculated based on each grantee's 2008-2010 Composite Index.

Chief Lavinder reported that the Subcommittee voted unanimously to accept staff recommendations to fund SRO grants as stated above. Recommended funding totals are: \$470,141 in state SRO Incentive Grant Funds, \$210,433 in matching cash funds and \$680,574 in total state SRO Incentive Grant Funds.

By way of a motion Chief Lavinder asked the Board to accept the recommendations of the L/E Subcommittee to fund SRO grants as stated above.

Chairwoman Arthur thanked Chief Lavinder for his report and then called for comments or questions. There were none. Chairwoman Arthur then called for a second motion. Mr. Chris Webb seconded the motion.

Recusals:                      None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Law Enforcement Subcommittee to approve the School Resource Officer Trust Fund grants as stated above.

#### Law Enforcement Subcommittee Appeals

##### Office of the Attorney General (OAG)

Mr. Webb reported that representatives from the Office of the Attorney General were present to appeal the recommended denial of a Byrne/JAG grant. After presentation by DCJS staff explaining the reason for the denial, the staff of the OAG clarified information in the grant application. After consideration of the information presented by both sides, the appeals panel recommends approval with special conditions set by staff to address weaknesses.

##### Commonwealth Attorney's Services Council (CASC)

Mr. Webb reported that representatives from the Commonwealth Attorney's Services Council were present to appeal the recommended denial of a Byrne/JAG grant. After presentation by DCJS staff explaining the reason for the denial, the staff of CASC presented some additional information to clarify the weaknesses in the application. At the conclusion of presentations from both sides, the appeals panel recommends that CASC work with DCJS staff to prepare a revised application to be presented at the September CJSB meeting.

##### Department of Forensic Science (DFS)

Mr. Webb reported that representatives from the Department of Forensic Science were present to appeal the recommended denial of a Byrne/JAG grant. After presentation by DCJS staff explaining the reason for the denial, the staff of DFS clarified some information. At the conclusion of presentations from both sides, the appeals panel recommends funding at a reduced level not to exceed 50 sets of training books plus a reduced number of certifications. This will be a pilot program. Funding should not exceed \$20,000.

By way of a motion, Mr. Webb asked the Board to accept the recommendations of the Appeals Subcommittee to fund the 2 programs (OAG and DFS) and to allow the CASC to submit a revised application to the Board at the September meeting.



Chairwoman Arthur thanked Mr. Webb for his reports and asked the Board if they had comments or questions. Colonel Flaherty made a general inquiry of which was satisfactorily answered by Shelia Anderson, DCJS staff. There were no further questions.

Chairwoman Arthur then called for a second motion. Dr. Malcan seconded the motion.

Recusals:	Mr. Alan Katz	Attorney General's Office
	The Honorable Marcus Williams	All

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Appeals Subcommittee to fund the Office of the Attorney General's Byrne/JAG grant, to allow the Commonwealth Attorney's Services Council to present a revised application for Byrne/JAG, and to fund the Department of Forensic Science Byrne/JAG grant at a reduced level. All as stated above.

### **Corrections Subcommittee**

Chairwoman Arthur called upon Mr. Vaughn to give a brief report from the Corrections Subcommittee.

Mr. Vaughn reported that the Corrections Subcommittee met on May 20, 2010. Board Members present were Sheriff Charles Phelps, Sheriff Beth Arthur, Ms. Cookie Scott and Mr. Vaughn. Mr. Vaughn gave the following reports:

#### **Comprehensive Community Corrections Act (CCCA) Pretrial Services Act (PSA)**

Mr. Vaughn reported that staff gave an overview to the committee and mentioned that the local probation and pretrial grant award was for level funding at \$22,689,194 and that there were no performance issues through the 3<sup>rd</sup> Quarter of FY2010. Staff indicated that the only changes to the operations of the local probation programs is that they were implementing evidence-based practices (EBP) and there were now 20 EBP sites of the 37 agencies in the state. The subcommittee recommended approval of all CCCA/PSA grants.

Mr. Vaughn made a motion on behalf of the Corrections Subcommittee to approve the CCCA/PSA grants. Chairwoman Arthur thanked Mr. Vaughn for his report and called for comments or questions. Mr. Hodges made an inquiry of which was satisfactorily answered by staff.

Chairwoman Arthur then called for a second motion. Colonel Flaherty seconded the motion.

Recusals:	Sgt. Charles Condon	Virginia Beach
	The Honorable Marcus Williams	Fairfax
	Sheriff Beth Arthur	Arlington

Chairwoman Arthur stated that it had been motioned and seconded that the Board approve the recommendations of the Corrections Subcommittee as stated above.

PAPIS Virginia Prisoner Reentry Program (Reentry)

Mr. Vaughn reported that there were currently 9 reentry programs, most of which were private non-profit, in the state and they had a 15% reduction as introduced by the former Governor and was approved by the 2010 General Assembly. These reductions were applied proportionally to all the programs and despite the reductions, the agencies all applied for continuation grant funds. In addition, Mr. Vaughn reported that these programs have exceeded their program goals overall. Mr. Vaughn highlighted the Arlington OAR program – which has increased their agency goals and services and intends to reach more clients despite the reduced budget. The Subcommittee recommended approval of the Reentry grants.

Mr. Vaughn made a motion on behalf of the Corrections Subcommittee to approve the Reentry grants. Chairwoman Arthur thanked Mr. Vaughn for his report and called for comments or questions. There were none. She then called for a second motion. Mr. Hodges seconded the motion.

Recusals:	Sheriff Beth Arthur	Arlington
	The Honorable Marcus Williams	OAR Fairfax

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Corrections Subcommittee to approve the grants as stated above.

Residential Substance Abuse Treatment (RSAT) Grants

Mr. Vaughn mentioned that over the past five years, the program funding was reduced from \$2.5 million down to \$217,000 and went back up to \$250,000 and the RSAT focus has changed from prisons to jails. Mr. Vaughn further mentioned that there is only one active RSAT grant to the City of Petersburg which is in their 3<sup>rd</sup> year and that the program is working effectively. Their reports have been timely. They received a 25% match of City funds. They have an interesting ongoing component, Puppy Pals, which engages TC participants in training and preparing “rescued” dogs for placement with local families. Mr. Vaughn indicated that there were additional RSAT funds that DCJS would likely seek to award to jail based programs in the future. The Subcommittee recommended approval of the grant.

Mr. Vaughn made a motion on behalf of the Subcommittee to approve the recommendations to fund the RSAT grant. Chairwoman Arthur thanked Mr. Vaughn for his report and called for comments or questions. There were none. Chairwoman Arthur then called for a second motion. Mr. McGrady seconded the motion.

Recusals:	None
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Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Corrections Subcommittee to approve the grant as stated above.

### Byrne/Justice Assistance Grants (Byrne/JAG)

Mr. Vaughn reported that there were 3 Byrne/JAG grants – two continuation grants and one new grant. The two continuation grants were both relating to identification and services to Mental Health population in jails – one to the City of Lynchburg and the other went to the CSB in Rockingham County. The Corrections Subcommittee recommended approval of these grants.

Mr. Vaughn reported that the third Byrne/JAG grant for review was the “Wounded Warrior Program” which is intended to develop new judicial officer training for judges and other judicial officers to help them become more aware of the issues faced by returning veterans. The Corrections Subcommittee recommended approval.

Mr. Vaughn made the motion on behalf of the Subcommittee to approve the two Byrne/JAG continuing application, and the one new grant application for funding. Chairwoman Arthur thanked Mr. Vaughn for his report and called for comments or questions. There were none. Chairwoman Arthur then called for a second motion. Ms. Randall seconded the motion.

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Corrections Subcommittee to approve the grants as stated above.

### Criminal Justice Information Systems Committee (CJIS)

Chairwoman Arthur called upon Mr. Butch Johnstone to give a brief report on the Criminal Justice Information Systems Committee. Mr. Johnstone reported that the CJIS committee met June 4, 2010. Twenty-five (25) grant applications were reviewed. The committee's recommendations were as follows:

Twelve (12) of the thirteen (13) continuation grant proposals for Criminal History Records Systems Improvement were recommended for full or partial funding. The application not recommended for funding; a video surveillance system for a new (Warren County) skate park, and the reductions recommended for the other grants are made because items in the proposals do not fit grant program criteria.

Chairwoman Arthur thanked Mr. Johnstone for his report and called for comments or questions. There were none. Chairwoman Arthur then called for a motion. Mr. Vaughn made the motion and Colonel Flaherty seconded the motion.

Recusals:                      The Honorable Marcus Williams                      Fairfax

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the CJIS Committee to approve the grants for full or partial funding and to deny the one grant due to program criteria as stated above.

Mr. Johnstone further reported that the twelve (12) applications for new projects in the Byrne/JAG *criminal justice system improvement* program were recommended for funding as requested. Special conditions were recommended for a number of projects to insure the compatibility of proposed systems with state and national data bases, or to apply Federal limitations to maximum allowable costs for specific services. This concluded Mr. Johnstone's report.

Chairwoman Arthur thanked Mr. Johnstone for his report and called for comments or questions. There were none. Chairwoman Arthur then called for a motion. Mr. Wilson made the motion and Mr. Vaughn seconded the motion.

Recusals:                      The Honorable Marcus Williams                      Fairfax

Chairwoman Arthur stated that it had been motioned and seconded that the Board approve the recommendations of the CJIS Committee to approve the grants as stated above.

### **OLD/NEW BUSINESS**

Chairwoman Arthur inquired of the Board if there were any old/new business to be discussed. There was none.

#### **Old Business**

Chairwoman Arthur mention that on May 20 the Executive Committee held an Administrative Hearing: The Department of Criminal Justice Services vs. Randall W. Dixon. This appeal hearing was held before a quorum of the Executive Committee for the Criminal Justice Services Board to review the December 17, 2009 decision of the department to revoke Randall W. Dixon's instructor's certification, probation of his registration and bail bondsmen license and a total monetary fine/fees of \$2,700.00.

The Department was represented at the appeal by Mr. Phillip O. Figura, Assistant Attorney General and Mr. Randall W. Dixon represented himself. Eric A. Gregory, Assistant Attorney General, was present at the appeal as legal counsel for the Board. The appeal proceedings were recorded by a certified court reporter.

After careful consideration of this matter, which included the arguments of Mr. Dixon and Mr. Figura, the Department's December 17, 2009 decision and Hearing Officer Walk's analysis, findings and conclusions, the Executive Committee made the following findings:

- Voted unanimous to uphold the Director's decision in its entirety with two exceptions. The first exception is to dismiss the violation of 9.1-185.8(B) (1) the second is a clerical error to amend the violation of 6 VAC 20-171-320(A) (23) to 6 VAC 20-171-320 (23) but uphold the finding.
- Voted unanimous to affirm the Director's decision in its entirety to include all sanctions imposed in all violations, except the sanction as it relates to Mr. Dixon's bail bondsman license.

As a result of the Board's decision they upheld the following Director's decision as it relates to Mr. Randal W. Dixon:

1. Found Randall W. Dixon in violation of 6 VAC 20-171-280 (11) and 6 VAC 20-171-300(D) (1). The department imposes revocation of Randall W. Dixon's Private Security Services Instructor Certification.

2. Found Randall W. Dixon in violation 6 VAC 20-171-280(9) and 6 VAC 20-171- 300(A). The department imposes a \$500 monetary penalty for each violation, totaling \$1,000.
3. Found Randall W. Dixon in violation of 6 VAC 20-171-320 (23) as it relates to his registration as a security officer, private investigator, alarm respondent, electronic security technician and sales representative. The department imposes probation for a period of two years.
4. Found the training provided to Ingle and Carver was in violation of the applicable regulations and, therefore pursuant to 6 VAC 20-171-300(D) (9) is null and void. The department upholds this decision.
5. The following fees pursuant to 6 VAC 20-171-510 and monetary sanctions are owed by Randall W. Dixon, payable to the Treasurer, Commonwealth of Virginia:

Therefore, the decision of the Department was upheld, except for noted exceptions.

#### New Business

Chairwoman Arthur mentioned that an orientation session would be scheduled for new Board members once the Governor has appointed replacements for the vacant positions.

#### Public Comment

Chairwoman Arthur called for public comment. There were none.

#### **NEXT MEETING DATE**

Chairwoman Arthur stated that the next meeting of the Criminal Justice Services Board was scheduled for Thursday, September 16, 2010 at 11:00 A.M. in House Room “D”.

At this time, Director Wheeler spoke of the work of the staff of the Department of Criminal Justice Services and thanked each of them for their coordinated efforts in carrying out the work of the department and in welcoming him to the agency.

Sheriff Arthur also commented on her service on the Board of which she thanked the Sheriff’s Association for their recommendation of her and the previous Administrations for appointing her to serve on this Board. She said she thoroughly enjoyed her tenure and her service as Chairman of the Board. She further thanked the staff at DCJS and Board members for their services and hard work.

#### **ADJOURNMENT**

There being no further business, Chairwoman Arthur called for a motion to adjourn the meeting. Mr. Hodges made the motion and Mr. Webb seconded the motion. Chairwoman Arthur stated that the meeting was officially adjourned at 12:30 P.M. and thanked members, guests and staff for attending.

Respectfully submitted,

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*Priscilla Bowers*  
*CJSB Secretary*

Approved by:

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*Sheriff Charles Jett, Chairman*